

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Spencer Troy Ward,

No. 22-cv-1332 (KMM/DTS)

Petitioner,

v.

ORDER

B. Eischen,

Respondent.

The matter is before the Court upon the Report and Recommendation (R&R) of United States Magistrate David T. Schultz, dated March, 21, 2023. ECF No. 11. The R&R recommends that that Spencer Troy Ward's habeas petition, brought pursuant to 28 U.S.C. § 2241, be denied for lack of ripeness and that this action should be dismissed without prejudice. The deadline for objecting to the R&R pursuant to D. Minn. LR 72.2(b) was April 4, 2023 and none have been filed.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on a careful review of the R&R and the record in this case, the Court finds no clear error with the R&R's legal conclusions that Mr. Ward's habeas petition should be denied on the ground of ripeness and that the action should be dismissed without prejudice.

Accordingly, IT IS HEREBY ORDERED that:

1. The Report and Recommendation [ECF No. 11] is ACCEPTED.
2. Mr. Ward's habeas petition [ECF No. 1] is DENIED.
3. This action is DISMISSED WITHOUT PREJUDICE.

Let Judgment Be Entered Accordingly.

Date: **May 8, 2023**

s/ Katherine M. Menendez

Katherine M. Menendez
United States District Judge